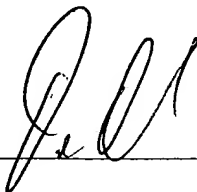
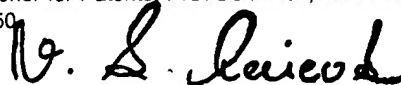


3624

<b>TRANSMITTAL LETTER</b> (General - Patent Pending)			Docket No. 99-062	
In Re Application Of: JAY S. WALKER et al.				
Serial No. 09/523,653	Filing Date March 10, 2000	Examiner G. R. AKERS		Group Art Unit 3624
Title: <b>METHOD, SYSTEM AND COMPUTER PROGRAM PRODUCT FOR FACILITATING AN AUCTION BEHAVIOR AND AUTOMATIC BIDDING IN AN AUCTION</b>				
<p style="text-align: center;"><u>TO THE COMMISSIONER FOR PATENTS:</u></p> <p>Transmitted herewith is:</p> <p><b>Request for Reconsideration of the Holding of Abandonment - No abandonment in Fact, 2 pp., (x2);</b> <b>Copy of Notice of Abandonment, 2 pp.;</b> <b>Copy of Return Receipt Postcard, and documents filed February 18, 2004 in response to O.A., 12 pp.; and</b> <b>Return Receipt Postcard.</b></p> <p>in the above identified application.</p> <p><input checked="" type="checkbox"/> No additional fee is required. <input type="checkbox"/> A check in the amount of _____ is attached. <input checked="" type="checkbox"/> The Director is hereby authorized to charge and credit Deposit Account No. 50-0271 as described below. <input type="checkbox"/> Charge the amount of _____ <input checked="" type="checkbox"/> Credit any overpayment. <input checked="" type="checkbox"/> Charge any additional fee required.</p> <div style="text-align: right;"><b>RECEIVED</b> MAR 16 2004 <b>GROUP 3600</b></div> <p> _____ Signature</p> <p>Dated: March 8, 2004</p> <p><b>Dean P. Alderucci</b> Attorney for Applicants PTO Registration No. 40,484 Walker Digital, LLC 203.461.7337/phone 203.461.7300/fax</p> <p>Customer No. 22927</p> <p>Dalderucci@walkerdigital.com</p> <p>cc:</p>				
<div style="border: 1px solid black; padding: 5px;"><p>I certify that this document and fee is being deposited March 8, 2004 with the U.S. Postal Service as first class mail under 37 C.F.R. 1.8 and is addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.</p><p> _____ Signature of Person Mailing Correspondence</p><p><b>Veronika S. Leliever</b> _____ Typed or Printed Name of Person Mailing Correspondence</p></div>				



UNITED STATES PATENT AND TRADEMARK OFFICE

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UNITED STATES DEPARTMENT OF COMMERCE  
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/523,653	03/10/2000	Jay S. Walker	99-062	5172

22927 7590 03/02/2004

WALKER DIGITAL  
FIVE HIGH RIDGE PARK  
STAMFORD, CT 06905



EXAMINER

AKERS, GEOFFREY R

ART UNIT PAPER NUMBER

3624

DATE MAILED: 03/02/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**RECEIVED**

**MAR 16 2004**

**GROUP 3600**



UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office

Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231

APPLICATION NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO.
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09/543653

3/19/00

Waltky

EXAMINER

Alon, g

ART UNIT

PAPER NUMBER

3664

4

DATE MAILED:

NOTICE OF ABANDONMENT

This application is abandoned in view of:

- ☒ Applicant's failure to timely file a proper reply to the Office letter mailed on 8/18/03
- ☐ A reply (with Certificate of Mailing or Transmission of \_\_\_\_\_) was received on \_\_\_\_\_ which is after the expiration of the period for reply (including a total extension of time of \_\_\_\_\_ month(s)) which expired on \_\_\_\_\_.
- ☐ A proposed reply was received on \_\_\_\_\_, but it does not constitute a proper reply under 37 CFR 1.113 to the final rejection.  
(A proper reply under 37 CFR 1.113 to a final rejection consists only of: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114).
- ☐ A reply was received on \_\_\_\_\_, but it does not constitute a proper reply, or a *bona fide* attempt at a proper reply, to the non-final rejection. See 37 CFR 1.85(a) and 1.111. (See explanation in the last box below).
- ☒ No reply has been received.
- ☐ Applicant's failure to timely pay the required issue fee and publication fee, if applicable, within the statutory period of three months from the mailing date of the Notice of Allowance (PTOL-85).
- ☐ The issue fee and publication fee, if applicable, was received on \_\_\_\_\_ (with a Certificate of Mailing or Transmission dated \_\_\_\_\_), which is after the expiration of the statutory period for payment of the issue fee (and publication fee) set in the Notice of Allowance (PTOL-85)(or Notice of Publication Fee Due).
- ☐ The submitted fee of \$ \_\_\_\_\_ is insufficient. A balance of \$ \_\_\_\_\_ is due.  
The issue fee by 37 CFR 1.18 is \$ \_\_\_\_\_. The publication fee, if required, by 37 CFR 1.18(d) is \$ \_\_\_\_\_.
- ☐ The issue fee and publication fee, if applicable, have not been received.
- ☐ Applicant's failure to timely file corrected drawings as required by, and within the three-month period set in, the Notice of Allowability (PTOL-37).
- ☐ Proposed corrected drawings were received on \_\_\_\_\_ (with a Certificate of Mailing or Transmission dated \_\_\_\_\_), which is after the expiration of the period for reply.
- ☐ No corrected drawings have been received.
- ☐ The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all the applicants.
- ☐ The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon filing of a continuing application.
- ☐ The decision by the Board of Patent Appeals and Interferences rendered on \_\_\_\_\_ and because the period for seeking court review of the decision has expired and there are no allowed claims.
- ☒ The reason(s) below: \_\_\_\_\_

Petitions to revive under 37 CFR 1.137(a) or (b), or requests to withdraw the holding of abandonment under 37 CFR 1.181, should be promptly filed to minimize any negative effects on patent term.

8/14/04



COPY



|||||  
Aimée J. Knoller  
Records Manager  
Walker Digital Management, LLC  
Five High Ridge Park  
Stamford, CT 06905

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MAR 16 2004

GROUP 3600

Commissioner for Patents:

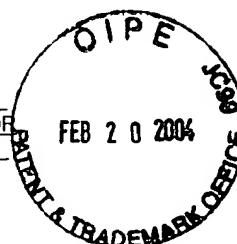
Date Received:

Applicant: WALKER et al.  
Serial. No.: 09/523,653  
Filing Date: March 10, 2000  
Title: METHOD, SYSTEM AND COMPUTER PROGRAM

Commissioner for Patents:

Date Received:

Applicant: WALKER et al.  
Serial. No.: 09/523,653  
Filing Date: March 10, 2000  
Title: METHOD, SYSTEM AND COMPUTER PROGRAM  
PRODUCT FOR FACILITATING AN AUCTION BEHAVIOR  
AND AUTOMATIC BIDDING IN AN AUCTION  
(99-062)



Sir:

Please acknowledge receipt of the following papers by stamping the date received on this card and returning the same to the addressee.

- Combined Amendment & Petition for Extension of Time, 2 pp., (x2);
- Assertion of Small Entity Status, 1 pg.; and
- Amendment and Response to the Non-final Office Action, (6 pp.).

Date mailed: February 18, 2004.

**COMBINED AMENDMENT & PETITION FOR EXTENSION OF  
TIME UNDER 37 CFR 1.136(a) (Small Entity)**

Docket No.  
99-062

In Re Application Of: JAY S. WALKER et al.

Serial No.  
09/523,653

Filing Date  
March 10, 2004

Examiner  
WALKERS, Geoffrey R.

Group Art Unit  
3624

Invention:

**METHOD, SYSTEM AND COMPUTER PROGRAM PRODUCT FOR FACILITATING AN AUCTION BEHAVIOR  
AND AUTOMATIC BIDDING IN AN AUCTION**

TO THE COMMISSIONER FOR PATENTS:

This is a combined amendment and petition under the provisions of 37 CFR 1.136(a) to extend the period for filing a response to the Office Action of August 18, 2003 in the above-identified application.  
*Date*

The requested extension is as follows (check time period desired):

☐ One month    ☐ Two months    ☒ Three months    ☐ Four months    ☐ Five months

from: November 18, 2003

*Date*

until:

February 18, 2004

*Date*

A verified statement of small entity status as a small entity under 37 CFR 1.27:

- ☒ is enclosed.  
☐ has already been filed in this application.

The fee for the amendment and extension of time has been calculated as shown below:

**CLAIMS AS AMENDED**

	CLAIMS REMAINING AFTER AMENDMENT	HIGHEST # PREV. PAID FOR	NUMBER EXTRA CLAIMS PRESENT	RATE	ADDITIONAL FEE
TOTAL CLAIMS	58 -	58 =	0	x \$9.00	\$0.00
INDEP. CLAIMS	20 -	20 =	0	x \$43.00	\$0.00
FEE FOR AMENDMENT					\$0.00
FEE FOR EXTENSION OF TIME					\$475.00
TOTAL FEE FOR AMENDMENT AND EXTENSION OF TIME					\$475.00

**RECEIVED**  
MAR 16 2004

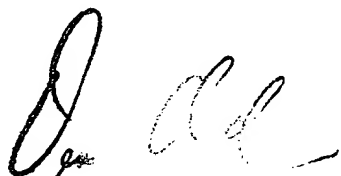
**GROUP 3600**

**COMBINED AMENDMENT & PETITION FOR EXTENSION OF  
TIME UNDER 37 CFR 1.136(a) (Small Entity)**

Docket No.  
99-062

The fee for the amendment and extension of time is to be paid as follows:

- ☐ A check in the amount of \$475.00 for the amendment and extension of time is enclosed.
- ☒ Please charge Deposit Account No. 50-0271 in the amount of \$475.00
- ☒ The Director is hereby authorized to charge payment of the following fees associated with this communication or credit any overpayment to Deposit Account No. 50-0271
- ☒ Any additional filing fees required under 37 C.F.R. 1.16.
- ☒ Any patent application processing fees under 37 CFR 1.17.
- ☒ If an additional extension of time is required, please consider this a petition therefor and charge any additional fees which may be required to Deposit Account No. 50-0271



*Signature*

Dated: February 18, 2004

Dean P. Alderucci  
Attorney for Applicants  
PTO Registration No. 40,484  
Walker Digital, LLC  
203.461.7337/phone  
203.461.7300/fax

CUSTOMER NO. 22927

Dalderucci@walkerdigital.com

CC:

I certify that this document and fee is being deposited  
on February 18, 2004 with the U.S. Postal Service  
as first class mail under 37 C.F.R. 1.8 and is addressed to  
the Commissioner for Patents, P.O. Box 1450, Alexandria,  
VA 22313-1450.

*Signature of Person Mailing Correspondence*

Veronika S. Leliever

*Typed or Printed Name of Person Mailing Correspondence*

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: JAY S. WALKER et al.	) Examiner: AKERS, Geoffrey R.
Serial No.: 09/523,653	)
Filing Date: March 10, 2000	) Group Art Unit: 3624
For: <b>METHOD, SYSTEM AND</b>	) Attorney Docket No: 99-062
<b>COMPUTER PROGRAM</b>	) Customer No.: 22927
<b>PRODUCT FOR FACILITATING</b>	)
<b>AN AUCTION BEHAVIOR AND</b>	) Notification of Fee Status Change
<b>AUTOMATIC BIDDING IN AN</b>	) Pursuant to 37 CFR § 1.27
<b>AUCTION</b>	)

Commissioner for Patents  
P. O. Box 1450  
Alexandria, VA 22313-1450

## ASSERTION OF SMALL ENTITY STATUS

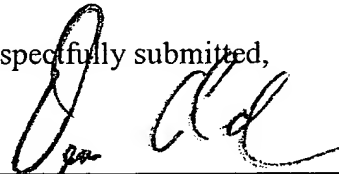
Dear Sir:

The assignee of the above-identified application claims small entity status. This notification is made pursuant to 37 CFR §1.27.

If the Examiner has any questions about this status change, the Examiner is invited to contact the undersigned at (203) 461-7337. While no fees are believed due in connection with this paper, please charge any fees that may be required for this paper, or with any other papers filed in connection with this application to Deposit Account No. 50-0271.

February 18, 2004  
Date

Respectfully submitted,



Dean P. Alderucci  
Attorney for Applicants  
Registration No. 40,484  
(203) 461-7337 /direct  
(203) 461-7300 /fax  
[Alderucci@walkerdigital.com](mailto:Alderucci@walkerdigital.com)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

**CUSTOMER NO. 22927**

Applicants: Walker et al.  
Application No.: 09/523,653  
Filed: March 10, 2000  
Title: METHOD, SYSTEM AND COMPUTER PROGRAM PRODUCT FOR  
FACILITATING AN AUCTION BEHAVIOR AND AUTOMATIC  
BIDDING IN AN AUCTION  
Attorney Docket No. 99-062

Group Art Unit: 3624  
Examiner: G. Akers

**AMENDMENT AND RESPONSE**

**to the Office Action mailed August 18, 2003 (Paper No. 3)**

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Examiner:

In response to the Non-Final Office Action mailed August 18, 2003, (Paper No. 3), please consider of the following remarks. Please note that references to "we", "us", "our" and the like refer to the present Applicants.



**R E M A R K S**

Claims 1 - 58 are pending in the present application.  
Claims 1, 21, 22, 24, 25, 34- 37, 45 - 48 and 52 - 58 are independent.

**A. Section 103(a) Rejections**

Claims 1 - 58 are rejected as being unpatentable over a combination of U.S. Patent No. 6,044,363 to Mori and U.S. Patent No. 6,151,589 to Aggarwal. We traverse the Examiner's Section 103(a) rejection.

Wrong Standard Used

According to page 3 of the Office Action, the obviousness rejection is based on an assertion that the combination of Mori and Aggarwal would "teach the disclosure". Also, the obviousness rejection only includes a description of Mori and Aggarwal. No reference is made to any of the limitations of any of the pending claims. Accordingly, we assume that the rejection is based on an assertion that a combination of Mori and Aggarwal would produce certain subject matter that exists in the present application.

Whether the prior art might teach some parts of the disclosure is irrelevant - the claims are the only part relevant to the obviousness determination. Accordingly, no *prima facie* showing of obviousness has been presented.

The Claims distinguish over the cited References

To expedite allowance, each independent claim is distinguished from the references cited. Specifically, certain limitations (rather than the entire claim) are described to demonstrate that the limitations are not disclosed by the cited references.

Independent Claims 1, 21, 22, 24

*at least one rule for controlling when a bid may be placed automatically for a bidder*

Mori discloses rules controlling bid prices and quantities, not when bids may be placed. Aggarwal specifies time between auctions, and has nothing to do with bids.

Independent Claim 25, 34, 35, 36

*receiving / accepting information about the auction*

*matching / comparing the information about the auction to a behavior*

Neither Mori nor Aggarwal has anything to do with matching or comparing anything to a behavior, much less as claimed.

Independent Claim 37, 45, 46, 47

*receiving / accepting an indication of a selected auction behavior; and  
matching / comparing the auction behavior to a rule to encourage the auction behavior.*

Neither Mori nor Aggarwal has anything to do with encouraging any auction behavior, much less in the manner claimed.

Independent Claim 48, 52, 53, 54

*applying a rule associated with the bidder and having a condition specifying when to place a bid; and  
if the condition of the rule is satisfied, and if a highest bid in the auction is not from the bidder, and if a bid for the bidder may be accepted, placing / submitting the bid according to a specified bidding behavior*

Mori discloses rules controlling bid prices and quantities, not when bids may be placed. Aggarwal specifies time between auctions, and has nothing to do with bids.

Independent Claim 55

*receiving information indicating bidding information for an auction;  
determining at least one of an average time period between bids and an average increment between bids; and  
storing the determined information as an associated auction behavior.*

Neither Mori nor Aggarwal has anything to do with determining an average time period between bids or an average increment between bids.

Independent Claim 56

*determining a behavior of each of the concluded auctions from the bidding information:  
selecting the behavior of the auction having the best outcome as the beneficial auction behavior.*

Neither Mori nor Aggarwal has anything to do with determining a behavior of concluded auctions, much less selecting a behavior having the best outcome.

Independent Claim 57

*defining data associating each of one or more desired auction behaviors to one or more rules for controlling when a bid may be placed automatically for a bidder in an auction*

Neither Mori nor Aggarwal has anything to do with when a bid may be placed automatically.

**Independent Claim 58**

*defining data associating a maximum bid and a bidder with an indication of a rule for controlling when a bid may be placed automatically for a bidder in an auction.*

Neither Mori nor Aggarwal has anything to do with when a bid may be placed automatically.

**No motivation to Combine or Modify**

There is no motivation to combine Mori nor Aggarwal. The stated motivation:

"to teach an auction method to be utilized for dynamically adjusted time intervals"

would not in any way prompt one of ordinary skill in the art to seek out Mori, which merely teaches rules controlling bid prices and quantities, not auctions themselves.

In addition, there would be no benefit from combining the references. Mori discloses rules controlling bid prices and quantities, while Aggarwal deals with the time between auctions, but has nothing to do with bids.

**B. Section 101 Rejections**

Claims **24, 36, 47, 54 and 57 - 58** stand rejected as being non-statutory. We traverse the Examiner's Section 101 rejection.

The entirety of the Section 101 rejection is that the claims are rejected:

"for failing to define a concrete and tangible output. There is no functionality recited in these claims"

**Products Need Not Define an Output**

A product claim need not define any "output", much less "define a concrete and tangible output". For example, an article of manufacture such as a doorstop or paper clip would be statutory subject matter even though it would not "define" any "output".

**Products Need Not "Recite" Functionality**

Also, functionality need not be recited in a claim itself. In fact, it is not clear exactly what recitation in a claim would be a recitation of "functionality".

If instead the allegation is that the claimed products do not have any utility, this is incorrect. Claims **24, 36, 47 and 54** are each directed to a computer program product which includes a computer readable medium with computer program instructions stored thereon. The computer program instructions when executed by a computer, directs the computer to perform a method which is useful as described in the disclosure. Claims **57 and 58** are each directed to a digital information product which includes a computer-readable medium and information defining data stored thereon. The data likewise have a utility as described in the disclosure.

Accordingly, no *prima facie* showing of nonstatutory subject matter has been presented.

### C. Section 112 Rejections

Claims 1 - 58 stand rejected under 35 U.S.C. § 112, 2<sup>nd</sup> paragraph as being indefinite. We traverse the Examiner's Section 112 rejection.

#### The Standard Used

The entirety of the indefiniteness rejection is the following sentence:

"The independent claims too broad and indefinite to enable one to distinguish the disclosure over the prior art."

The reasons why all claims are believed indefinite is not apparent from the rejection.

#### Breadth is not Indefiniteness

The rejection appears to be based on the breadth of the claims and a belief that the claims cannot "distinguish the disclosure over the prior art". This is clearly not a proper basis for an indefiniteness rejection.

It is well settled that the breadth of claim has no bearing on the definiteness of a claim. "Breadth is not indefiniteness." In re Gardner, 427 F.2d 786 (1970); In re Miller, 441 F.2d 689, 693 (CCPA 1971) ("breadth is not to be equated with indefiniteness, as we have said many times"); In re Robins, 429 F.2d 452, 458 (CCPA 1970).

#### Proper Standard for Definiteness

The definiteness inquiry focuses on whether those skilled in the art would understand the scope of the claim when the claim is read in light of the rest of the specification. Orthokinetics, Inc. v. Safety Travel Chairs, Inc., 806 F.2d 1565, 1576 (Fed. Cir. 1986).

We have reviewed all claims in light of the specification, and believe that all claims satisfy the definiteness standard. When construed in light of the specification, the scope of each pending claim would be understood by one of ordinary skill in the art.

Accordingly, no *prima facie* showing of indefiniteness has been presented.

#### Clarification

If the rejection is maintained, we request that indefinite terms, phrases of grammatical constructions be indicated so that specific concerns regarding the scope of the claim may be addressed.

**Conclusion**

For the foregoing reasons it is submitted that all of the claims are now in condition for allowance and the Examiner's early re-examination and reconsideration are respectfully requested.

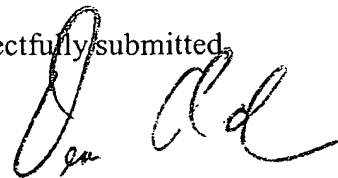
Alternatively, if there remains any question regarding the present application or any of the cited references, or if the Examiner has any further suggestions for expediting allowance of the present application, the Examiner is cordially requested to contact Dean Alderucci at telephone number 203-461-7337 or via electronic mail at Alderucci@WalkerDigital.com.

**Petition for Extension of Time to Respond**

Applicants hereby petition for a **three-month** extension of time with which to respond to the Office Action. Please charge \$475.00 for this petition to our Deposit Account No. 50-0271. Please charge any additional fees that may be required for this Response, or credit any overpayment to Deposit Account No. 50-0271.

If an extension of time is required, or if an additional extension of time is required in addition to that requested in a petition for an extension of time, please grant a petition for that extension of time which is required to make this Response timely, and please charge any fee for such extension to Deposit Account No. 50-0271.

Respectfully submitted,



February 18, 2004

---

Dean Alderucci  
Attorney for Applicants  
Registration No. 40,484  
Alderucci@WalkerDigital.com  
203-461-7337 / voice  
203-461-7300 / fax

Art Unit: 3624

### DETAILED ACTION

1. Claims 1-58 have been examined.

#### *Claim Rejections - 35 USC § 103*

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-58 are rejected under 35 USC 103(a) as unpatentable over Mori(US Pat. No: 6,044,363) in view of Aggarwal(US Pat. No: 6,151,589).
4. As per claims 1-58 Mori teaches an automatic auction method(Abstract) having rules(Fig 4)(Fig 5) as well as a competitivestate judging routine and setting an intial price(Fig 1) as well as utilizing an electronic marketplace server(Fig 2) and display of auction behavior and ordering(Fig 6).Mori further teaches a rulke dditor consisting of specified prfice and price condition(Fig 5/411) and amount condition(Fig 4/421) and registration in rule list(Fig 4/431) and the results of an auction(Fig 7) and a purchase quantity interval(Fig 7/613) for the rule results.Mori further teaches an electronic marketplace monitor(Fig 8) as well as transmission and reception times(Fig 8) and an auction monitor(Fig 11). Mori further teaches judgment of amount condition as a rule engine(Fig 14/1208/1204) as well as bidder quantity conditions(Fig 15) and thresholding(Fig 16/1402) and a judging routine(Fig 16/1405) and a product allocation

Art Unit: 3624

routine(Fig 17) as well as a set of auction conditions(Fig 19). Aggarwal teaches a minimum bid(Fig 2/260) and a market premium  $p$  for determining bidders above  $p$ (Fig 4/420) for purposes of determining the highest and best price. Aggarwal further teaches utilizing the Internet(Fig 1/35) and a response interval for a bid(Fig 2/230 and an interval between auction decisions(Fig 2/240) as well as the seller providing information on a starting bid price and a response window(Fig 3/310) which is used to determine the next time interval an auctioning decision will be made(Fig 3/330) as well as calculation of the maximum time before which a predefined percentage of the premium bidders will not expire(Fig 4/430) and readjusting the time interval when the next auctioning decision will occur(Fig 4/460) and the selection of those  $k$  bidders who have the shortest arrival times and of those give priority to the highest volume in this subgroup(Fig 5/550). It would have been obvious to one skilled in the art at the time of the invention to combine Mori in view of Aggarwal to teach the disclosure. The motivation to combine is to teach an auction method to be utilized for dynamically adjusted time intervals as delineated by Aggarwal(col 2 lines 33-41).

***Claim Rejections - 35 USC § 101***

5. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Art Unit: 3624

6. Claims 24,36,47,54,57-58 are rejected under 35 USC 101 for failing to define a concrete and tangible output. There is no functionality recited in these claims.

***Claim Rejections - 35 USC § 112***

7. Claims 1-58 are rejected under 35 U.S.C. 112, second paragraph, as failing to set forth the subject matter which applicant regards as the invention. The independent claims are too broad and indefinite to enable one to distinguish the disclosure over the prior art.

***Conclusion***

8. **THIS ACTION IS MADE NON-FINAL.**

\*\*\*\*\*

9. Any questions concerning this communication should be addressed to the primary examiner of record, Dr. Geoffrey Akers, P.E., who can be reached between 6:30 AM and 5:00 PM Monday through Friday at 703-306-5844. If attempts to contact the primary examiner are unsuccessful, the primary examiner's superior, Mr. Vincent Millin, SPE, may be telephoned at (703)-308-1065.

The fax number for Formal or Official faxes and Draft or Informal faxes to Technology Center 3600 or this Art Unit is (703)-308-3687. Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703)-308-1113.

August 13, 2003



DR. GEOFFREY R. AKERS, P.E.  
PRIMARY EXAMINER